



MAYOR AND COUNCIL AGENDA

NO. // DEPT.: Community Planning and Development Services / Legal DATE: December 21, 2004

Contact: Deane Mellander, Planner III

ACTION: Public Hearing, Discussion and Instruction, Introduce Ordinance, waive the layover period, and Adopt the Ordinance: Proposed Street Closing and Abandonment Application SCA2004-00092, permanent closing and abandonment of a segment of right-of-way along the east side of North Maryland Avenue between East Middle Lane and Beall Avenue within the Town Square development, Mayor and Council, applicants.

ACTION STATUS:

FOR THE MEETING OF: 1/10/05

INTRODUCED

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER

SECTION

☐ CONSENT AGENDA

RECOMMENDATION: Hold public hearing, discuss the result of the hearing and instruct staff. If the Mayor and Council wish to introduce the ordinance and proceed to adoption at the same meeting, the ordinance should first be introduced, then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four members of the Mayor and Council, then they may proceed to move to adopt the ordinance.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

Abandonment is in connection with the Rockville Town Square PDP project.

BACKGROUND: The City has filed this abandonment application for a 1,291 square foot portion of the unimproved right-of-way of North Maryland Avenue between East Middle Lane and Beall Avenue. A previous abandonment (SCA2004-00089) was approved for a portion of the right-of-way just south of this application.

The abandonment is needed to allow the construction of the Rockville Town Square project. The approved PDP for Town Square project anticipated some realignment of the proposed public right-of-way for Maryland Avenue. The proposed abandonment will establish the approved right-of-way alignment for North Maryland Avenue and allow for approval of the record plat creating the new lots for Blocks 4 and 5 of the Town Square project.

The public hearing, discussion and instruction, and Mayor and Council action on this item have been scheduled together in order to meet the deadline for closing on the properties.

The Planning Commission will act on the final record plat, including the abandoned right-of-way, on January 12, 2005.

PREPARED BY:Deane E. Mellander

Deane Mellander, Planner III

12/21/04

Date

APPROVE:Deane E. Mellander (acting)

for Robert J. Spalding, AICP, Chief of Planning

12/21/04

Date

APPROVE:Arthur D. Chambers

Arthur D. Chambers, AICP, CPDS Director

12/21/04

Date

APPROVE:Scott Ullery

Scott Ullery, City Manager

1/01/05

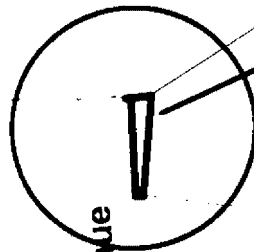
Date

LIST OF ATTACHMENTS:

1. Location Map
2. Application for Abandonment
3. Ordinance

Beall Avenue

SCA2004-00092



North Maryland Avenue

East Middle Lane

APPLICATION TO CLOSE
AND ABANDON
PUBLIC WAY
ROCKVILLE, MARYLAND

NOTICE

This application must be typewritten or printed and filed in duplicate, with attachments, in the office of the City Clerk.

TO BE FILLED IN BY THE CLERK:

Mayor and Council of Rockville
Name of Applicant

Application No: SCA2004-00092

111 Maryland Ave.
Street Address

Filing Date: 12/6/04

Hearing Date: 1/10/05

Rockville, MD 20850
City State Zip Code

Decision and Date: _____

240-314-8224
Telephone No.

The undersigned hereby makes application with the Mayor and Council of Rockville, Maryland, for the permanent closing and abandonment of the public way described herein, and in support of such application supplies the following information:

- (a) The name and address of the undersigned are as indicated above.
- (b) The public way which is the subject of this application is generally described by name and United States Post Office numbering or intersecting streets as follows: Part of unimproved North Maryland Avenue north of East Middle Lane and south of Beall Avenue on the east side of North Maryland Ave.
- (c) The interest of the undersigned in such public way is as follows:
Owner of adjacent property. _____

- (d) The reasons for making such application are as follows:
A portion of the Rockville Town Square project.

- (f) According to assessment records, all of the owners of real property immediately adjacent to the public way, which is the subject of this application, are as follows:

	<u>Name</u>	<u>Address</u>
1.	Mayor and Council of Rockville	111 Maryland Avenue, Rockville, MD 20850

SCHEDULE "A"
STREET ABANDONMENT AREA
CITY OF ROCKVILLE

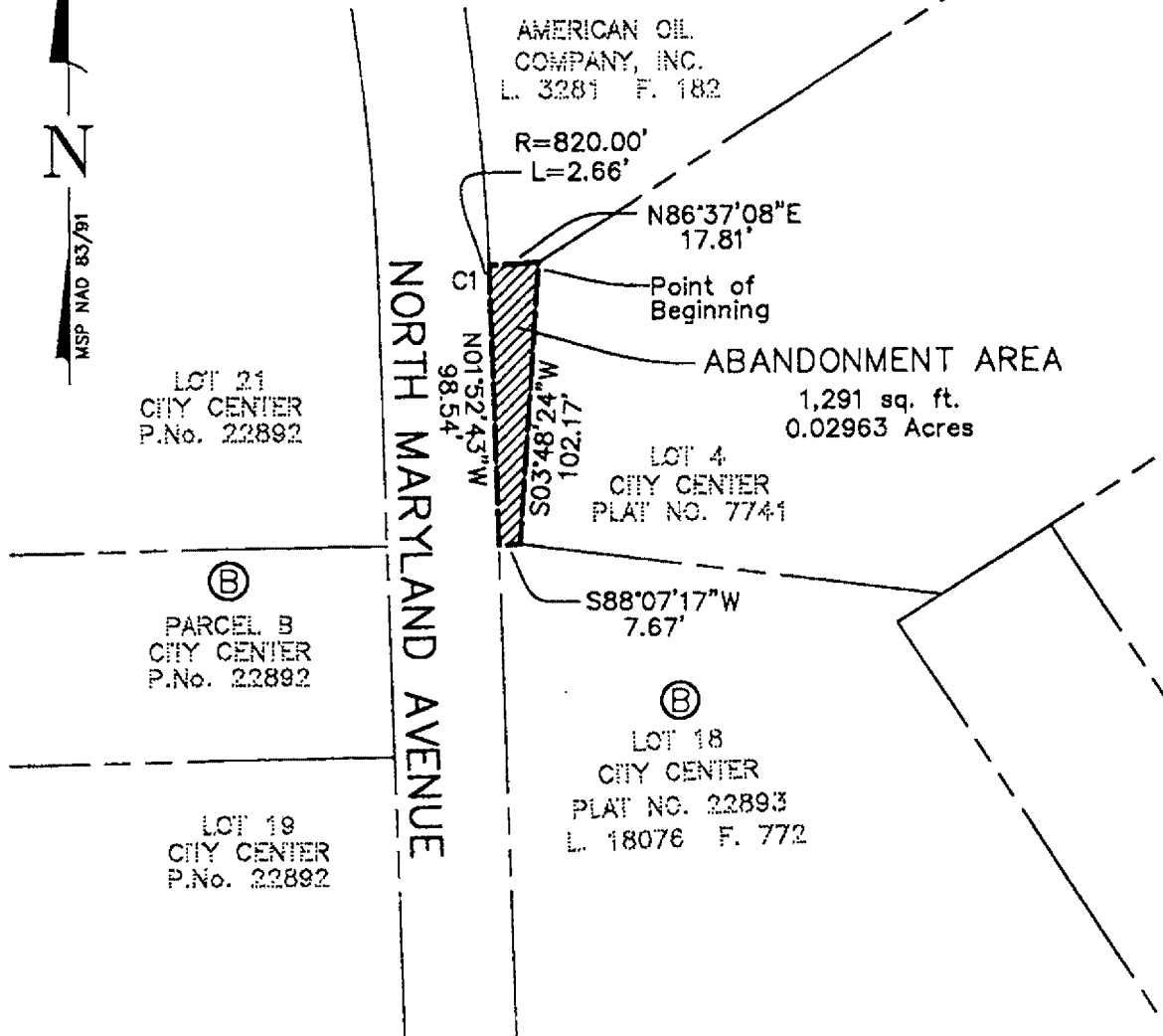
Being a strip or parcel of land located in the City of Rockville, Fourth Election District of Montgomery County, Maryland and being more particularly described in the Maryland State Plane NAD 83/91 Datum by Macris, Hendricks and Glascock, P.A. as follows:

PART OF UNIMPROVED MARYLAND AVENUE
(now known as North Maryland Avenue as per subdivision plat number 22893)

Beginning at the northwest corner of Lot 4, Block B as delineated on a Subdivision Record Plat entitled "Lot 4, Block B – CITY CENTER" as recorded among the Land Records of Montgomery County, Maryland as Plat No. 7741, then binding with the easterly platted limits of said Maryland Avenue and the westerly platted limits of said Lot 4, Block "B" as now surveyed:

1. South 03°48'24" West, 102.17 feet to a point, then crossing to include a part of said Maryland Avenue the following four (4) courses
2. South 88°07'17" West, 7.67 feet to a point, then
3. North 01°52'43" West, 98.54 feet to a point, then
4. 2.66 feet along the arc of a curve deflecting to the left, having a radius of 820.00 feet and a chord bearing and length of North 01°58'16" West, 2.66 feet to a point, then
5. North 86°37'08" East, 17.81 feet to the point of beginning; containing 1,291 square feet or 0.02963 of an acre of land.

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C1	820.00'	2.66'	111°10'	1.33'	N 01°58'16" W	2.66'



SCHEDULE "B"

RIGHT-OF-WAY ABANDONMENT
PART OF UNIMPROVED
MARYLAND AVENUE
PART OF PLAT NO. 20202

SCALE: 1" = 60' DEC., 2004
MONTGOMERY COUNTY, MARYLAND



MHG

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20856-1276

Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

Phone 301.570.0840
Fax 301.948.0693
www.mhgpa.com

97-397

(EP-21-03C)

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Ordinance No. _____

ORDINANCE: To grant Street Closing and Abandonment
Application No. SCA2004-00092, the
Mayor and Council of Rockville,
Applicant

WHEREAS, the Mayor and Council of Rockville, filed application No. SCA2004-00092, requesting that an unimproved segment of Maryland Avenue right-of-way (now known as North Maryland Avenue as per subdivision plat number 22893), north of East Middle Lane and south of Beall Avenue on the east side of North Maryland Avenue, within the Town Square development in Rockville, Maryland, containing 1,291 square feet of land, more or less, lying in the Fourth Election District (City of Rockville), Montgomery County, Maryland, be permanently closed and abandoned pursuant to the provisions of Chapter 21, Article III, Division 2 entitled "Permanent Closing and Abandonment," of the Rockville City Code; and

WHEREAS, the Mayor and Council of Rockville, the owner, according to the assessment records, of property adjacent to the public right-of-way, which is the subject of the aforesaid application, and all public utility companies authorized by the Public Service Commission to operate within the City of Rockville, were duly notified by certified mail that said application had been filed and that a public hearing thereon would be held as specified in the public advertisement of the Mayor and Council of Rockville, Maryland; and

WHEREAS, the Mayor and Council of Rockville gave notice that a public hearing on said application would be held by the Mayor and Council of Rockville in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland on January 10, 2005, at 7:00 p.m., or as soon thereafter as it may be heard, which notice was published not

less than ten days prior to the time of such hearing in a newspaper of general circulation in the City of Rockville; and

WHEREAS, on January 10, 2005, said application came on for hearing at the time and place provided in said advertisement; and

WHEREAS, based upon the testimony presented and other evidence of record in the proceedings, the Mayor and Council determined that there is no public need for the subject right-of-way and the granting of the application would not adversely affect the health, safety, security and best interests of the community of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. That Street Closing and Abandonment Application No. SCA2004-00092, for the closing and abandonment of an unimproved segment of Maryland Avenue right-of-way (now known as North Maryland Avenue as per subdivision plat number 22893), north of East Middle Lane and south of Beall Avenue on the east side of North Maryland Avenue, within the Town Square development in Rockville, Maryland, containing 1,291 square feet of land, more or less, being more fully described in Schedule A and shown on Schedule B, be and the same is hereby granted.

2 That this ordinance shall become effective upon the recordation of this ordinance in the Land Records for Montgomery County, Maryland by the City Attorney's Office.

* * * * *

Ordinance No. _____

-3-

I hereby certify that the foregoing is a true and correct copy of an
Ordinance adopted by the Mayor and Council at its meeting of

Claire F. Funkhouser, CMC, City Clerk

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SCHEDULE "A"
STREET ABANDONMENT AREA
CITY OF ROCKVILLE

Being a strip or parcel of land located in the City of Rockville, Fourth Election District of Montgomery County, Maryland and being more particularly described in the Maryland State Plane NAD 83/91 Datum by Macris, Hendricks and Glascock, P.A. as follows:

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LOT 21
CITY CENTER
P.No. 22892

Ⓑ
PARCEL B
CITY CENTER
P.No. 22892

LOT 19
CITY CENTER
P.No. 22892

NORTH MARYLAND AVENUE

AMERICAN OIL
COMPANY, INC.
L. 3281 F. 182

R=820.00'
L=2.66'

N86°37'08"E
17.81'

Point of
Beginning

ABANDONMENT AREA

1,291 sq. ft.
0.02963 Acres

LOT 4
CITY CENTER
PLAT NO. 7741

S88°07'17"W
7.67'

Ⓑ
LOT 18
CITY CENTER
PLAT NO. 22893
L. 18076 F. 772

SCHEDULE "B"

RIGHT-OF-WAY ABANDONMENT
PART OF UNIMPROVED
MARYLAND AVENUE
PART OF PLAT NO. 20202

SCALE: 1" = 60' DEC., 2004
MONTGOMERY COUNTY, MARYLAND



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